

**STANDING COMMITTEE ON
SCRUTINY OF BILLS AND
SUBORDINATE LEGISLATION**

REPORT NO. 5 OF 1992

2 JUNE 1992

STANDING COMMITTEE FOR THE SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION

MEMBERS OF THE COMMITTEE

Mrs E Grassby, MLA (Presiding Member)
Mr G Humphries, MLA
Ms H Szuty, MLA

Legal Advisor: Emeritus Professor D Whalan
Secretary: Mr T Duncan
Deputy Secretary: Ms B Irvin

TERMS OF REFERENCE

- (1) a Standing Committee for scrutiny of bills and subordinate legislation shall be appointed;
- (2) the Committee shall with respect to any instrument of a legislative nature which is subject to disallowance and/or disapproval by the Assembly (including a regulation, rule or by-law) made under an Act consider whether the instrument -
 - (a) is in accord with the general objects of the Act under which it is made;
 - (b) unduly trespasses on rights previously established by law;
 - (c) makes rights, liberties and/or obligations unduly dependent upon non-reviewable decisions; or
 - (d) contains matter which in the opinion of the Committee should properly be dealt with in an Act of the Legislative Assembly;
- (3) the Committee shall with respect to the clauses of Bills introduced into the Legislative Assembly consider whether such Bills -
 - (a) unduly trespass on personal rights and liberties;
 - (b) makes rights, liberties and/or obligations unduly dependent upon insufficiently defined administrative powers;
 - (c) makes rights, liberties and/or obligations unduly dependent upon non-reviewable decisions;
 - (d) inappropriately delegate legislative powers; or
 - (e) insufficiently subject the exercise of legislative power to parliamentary scrutiny;
- (4) the Committee shall consist of three members;
- (5) if the Assembly is not sitting when the Committee is ready to report on Bills and subordinate legislation, the Committee may send its report to the Speaker, or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing and circulation;
- (6) the majority of members constitutes a quorum of the Committee;
- (7) the Committee be provided with the necessary additional staff, facilities and resources; and
- (8) the foregoing provisions of the resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

Bill upon which no comment is offered

The Committee has examined the following Bill and makes no comment.

Supply Bill 1992-93

This Bill makes interim provision for the appropriation of money out of the Consolidated Revenue Fund for the year ended 30 June 1993.

Bill upon which Comment is Offered

Animal Welfare Bill 1992

This Bill provides for controls on the keeping and use of animals.

Identification Cards

There are detailed and appropriate provisions for the issue to, and use by, specified officials of identity cards or identification certificates. The card or certificate is required to specify the person's name and position and display a recent photograph. There are provisions for the issue of such identity cards or identification certificates to the person appointed by the Minister as the Animal Welfare Authority (clause 6(3)), to an authorised person authorised by an Ethics Committee (clause 42(1)), to a veterinary surgeon appointed as an authorised officer by the Authority (clause 78(1)) and to an inspector appointed by the Authority (clause 78(1)).

However, there may be a possible gap. The Animal Welfare Authority appointed under clause 6 does have to have such an identity card himself or herself. The Authority has very wide-ranging powers and responsibilities under the Bill, but, under clause 6(2), it is provided that

"The Authority [who under clause 6(1) must be a public servant himself or herself] may, by instrument, delegate to a public servant any or all the Authority's powers under this Act."